

## SENATE BILL NO. 328

INTRODUCED BY J. WELLS

BY REQUEST OF THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM THE ATTORNEY GENERAL TO THE GOVERNOR RESPONSIBILITIES RELATING TO THE AUDITING AND PAYMENT OF EXPENSES FOR THE TRANSPORTATION AND EXTRADITION OF OFFENDERS; AND AMENDING SECTIONS 7-32-2144 AND 46-30-411, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-32-2144, MCA, is amended to read:

**"7-32-2144. Mileage and expenses of sheriff for delivery of prisoners and mentally ill persons.**

(1) A sheriff delivering prisoners at the state prison or a juvenile correctional facility or mentally ill persons at the Montana state hospital or other mental health facility ~~receives~~ is entitled to actual expenses necessarily incurred in their transportation. The expenses include the expenses of the sheriff in going to and returning from the institution. The sheriff shall take vouchers for every item of expense. The amount of these expenses, as shown by the vouchers when presented by the sheriff, ~~shall~~ must be audited and allowed by the ~~attorney general~~ governor or by the board of county commissioners, as the case may be, and paid out of the same money and in the same manner as are other expense claims against the state or counties. ~~In determining the actual expense if travel is by a privately owned vehicle, the mileage rate shall be allowed as provided in subsection (2).~~ No other ~~or further~~ compensation may be received by sheriffs for ~~such~~ the expenses.

(2) Unless otherwise provided, while in the discharge of ~~his civil and criminal~~ his civil and criminal duties, ~~both civil and criminal,~~ the sheriff ~~receives~~ is entitled to a mileage allowance, as provided in 2-18-503. The sheriff ~~shall~~ must also be reimbursed for actual and necessarily incurred expenses for transporting, lodging, and feeding persons ordered by the court, as provided in 2-18-501 through 2-18-503. The county is not liable for and the board of county commissioners may not pay for any claim of the sheriff or other officer for any other expenses incurred in travel or for ~~subsistence~~ expenses in cases ~~where~~ for which mileage is allowed under this section, ~~the fees for mileage named in this section being in full for all such traveling expenses in both~~

1 ~~civil and criminal work.~~"

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3 **Section 2.** Section 46-30-411, MCA, is amended to read:

4 **"46-30-411. Expenses of bringing fugitives back to this state.** (1) When the governor of this state,  
5 in the exercise of the authority conferred by ~~section 2,~~ Article IV, section 2, of the constitution of the  
6 United States or by the laws of this state, demands from the executive authority of any state of the United  
7 States or of any foreign government the surrender to the authorities of this state of a fugitive from justice  
8 who has been found and arrested in ~~such~~ that state or foreign government, the accounts of the person  
9 employed by ~~him~~ the governor to bring back ~~such~~ the fugitive must be audited by the ~~attorney general~~  
10 governor and paid out of the state treasury.

11 (2) An agent of this state authorized to return a fugitive from justice to this state may ~~utilize~~ use  
12 commercial transportation, aircraft, or motor vehicle to return the fugitive. The agent ~~shall~~ must be paid  
13 travel expenses, as provided for in 2-18-501 through 2-18-503, ~~as amended,~~ incurred in returning the  
14 fugitive to this state."

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